

1 DENIS J. McINERNEY
2 Chief
3 CHARLES LA BELLA
4 Deputy Chief
5 THOMAS B.W. HALL
6 Trial Attorney
7 Fraud Section, Criminal Division
8 U.S. Department of Justice
9 1400 New York Avenue, NW
10 Washington, DC 20530
11 (202) 616-1682

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.) 2:12-cr-113-JCM-VCF
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Defendants.)

24 COMES NOW, the United States of America, by and through DENIS J. MCINERNEY,
25 Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and THOMAS B.W. HALL,
26 Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves to

1 continue the following sentencing hearings set for the following dates and times:

2 • Rosario Alcantar, February 4, 2013, 10 am
3 • Patrick Bergsrud, February 7, 2013, 10:30 am
4 • Robert Bolten, February 4, 2013, 10:30 am
5 • Glenn Brown, February 4, 2013, 11 am
6 • Paul Citelli, February 8, 2013, 10:30 am
7 • Michelle DeLuca, February 5, 2013, 10 am
8 • Charles Hawkins, February 5, 2013, 10:30 am
9 • Sami Hindiyeh, February 6, 2013, 10 am
10 • Brian Jones, February 6, 2013, 10:30 am
11 • Lisa Kim, February 6, 2013, 10 am
12 • Morris Mattingly, February 7, 2013, 10 am
13 • Arnold Myers, February 7, 2013, 11 am
14 • Anthony Wilson, February 8, 2013, 10 am
15 • Jeanne Winkler, February 8, 2013, 10:30 am

16 The parties respectfully request this Honorable Court to continue these Sentencing
17 Hearings until at least August 1, 2013 to allow time for the defendants to complete their
18 cooperation or, in the alternative, to continue the Sentencing Hearings and set a status conference
19 within 6 months to report to the Court on the on-going investigation and the defendants'
20 cooperation in connection with the investigation.

21 This is the first request to continue these Sentencing Hearings.

22 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following
23 reasons:

24 1. The defendants have entered plea agreements with the United States that require the
25 defendants to cooperate with the United States in connection with its on-going investigation of a
26 fraudulent scheme involving Las Vegas Home Owners Associations. The defendants have begun

1 to cooperate with the United States in this investigation, which involves a number of potential co-
2 conspirators and targets.

3 2. The defendants' Plea Agreements afford the defendants potential consideration for
4 downward departures at the time of sentencing if the defendant has provided substantial assistance
5 to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) §
6 5K1.1 Motion.

7 3. The United States anticipates future pleas, indictments and the possibility of one or
8 more trials of co-conspirators and targets. These events may allow the defendants the opportunity
9 to provide further cooperation as witnesses, including the possibility of testifying at trial.
10 However, the United States expects the resolution of such cases, including any trials in any related
11 cases, to be at least 6 months from the defendants' current sentencing dates.

12 4. Counsel for the United States has spoken with counsel for each defendant and counsel
13 have agreed that the requested continuances are in the best interest of justice and counsel do not
14 oppose the continuance sought herein. The defendants are not in custody.

15 5. Denial of this request for continuance would deny the parties sufficient time and
16 opportunity to develop the defendants' cooperation against the related co-conspirators and targets
17 and prepare related cases for prosecution.

18 6. Furthermore, denial of this request for continuance could result in a miscarriage of
19 justice.

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1 7. The United States also requests an order to exclude the additional time requested by
2 this continuance in computing the time within which the trial herein must commence pursuant to
3 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the
4 factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

5 DATED this 12th day of December 2012.

6 Respectfully submitted,

7 DENIS J. MCINERNEY
8 Chief
9 United States Department of Justice
Criminal Division, Fraud Section

10 /s/ Thomas B.W. Hall
11 THOMAS B.W. HALL
12 Trial Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
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8 ROSALIO ALCANTAR
9 PATRICK BERGSRUD
10 ROBERT BOLTON
11 GLENN BROWN
12 PAUL CITELI
13 MICHELLE DELUCA
14 CHARLES HAWKINS
15 SAMI HINDIYEH
16 BRIAN JONES
LISA KIM
MORRIS MATTINGLY
ARNOLD MEYERS
ANTHONY WILSON
JEANNE WINKLER
17
18 Defendants.
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20)

2:12-cr-113-JCM-VCF

ORDER: UNOPPOSED
MOTION TO CONTINUE SENTENCING

FINDINGS OF FACT

19 Based on the Government's pending Unopposed Motion to Continue Sentencing, and
20 good cause appearing therefore, the Court hereby finds that:

21 1. The parties are in agreement to continue the Sentencing dates as presently scheduled.
22 2. This Court is convinced that an adequate showing has been made that to deny this
23 request for continuance, taking into account the exercise of due diligence, would deny the United
24 States sufficient time to be able to effectively prepare for the co-conspirator and target trials and
25 would bar the defendants from the opportunity to cooperate and potentially receive downward
26 departures at the time of sentencing. This decision is based on the following findings:

1 a. The defendants agreed in their plea agreements to cooperate against his coconspirators
2 in any related indictments and trials.

3 b. The United States agreed to consider downward sentencing concessions for the
4 defendants' cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance
5 resulted from such cooperation.

6 c. The United States anticipates several additional pleas, indictments and trials in related
7 cases, but not sooner than 6 months from now.

8 d. The parties need additional time to prepare the defendants' cooperation against other
9 co-conspirators and targets.

10 e. The defendants do not object to the continuance.

11 f. The defendants are out of custody.

12 3. For all the above-stated reasons, the ends of justice would best be served by continuing
13 the Sentencing date.

14 4. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section
16 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

17 **ORDER**

18 **IT IS THEREFORE ORDERED** that the Sentencing dates currently setas described
19 below are vacated and continued. This delay is excluded from the time within which the trial must
20 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).

21 It is further ordered that the defendants' sentencing hearings are set as follows:

22 Rosario Alcantar, February 4, 2013, 10 am (first) August 27, 2013, at 10:30 a.m.

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- 24 • Patrick Bergsrud, August 27, 2013, at 11:00 a.m.
- 25 • Robert Bolten, August 27, 2013, at 1:30 p.m.
- 26 • Glenn Brown August 27, 2013, at 2:00 p.m.
- Paul Citelli, August 28, 2013, at 9:30 a.m.

- 1 • Michelle DeLuca, August 28, 2013, at 10:00 a.m.
- 2 • Charles Hawkins, August 28, 2013, at 10:30 a.m.
- 3 • Sami Hindiyeh, August 28, 2013, at 11:00 a.m.
- 4 • Brian Jones, August 28, 2013, at 1:30 p.m.
- 5 • Lisa Kim, August 28, 2013, at 2:00 p.m.
- 6 • Morris Mattingly, August 29, 2013, at 9:30 a.m.
- 7 • Arnold Myers, August 29, 2013, at 10:00 a.m.
- 8 • Anthony Wilson, August 29, 2013, at 10:30 a.m.
- 9 • Jeanne Winkler, August 29, 2013, at 11:00 a.m.

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11 **DATED** December 19, 2012.

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16 UNITED STATES DISTRICT JUDGE
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